

AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL

No. 700

Introduced by Senator La Malfa

February 18, 2011

An act to amend Section ~~2807~~ 2781 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 700, as amended, La Malfa. Corrections: ~~Prison Industry Authority~~ prison labor: fire suppression.

Existing law authorizes the Department of Corrections and Rehabilitation to use or cause to be used prisoners of the state prison to perform labor at permanent, temporary, and mobile camps, including fire suppression. Existing law requires the Secretary of the Department of Corrections and Rehabilitation to determine which prisoners shall be eligible for employment at those camps. Existing law also establishes conservation centers for the employment of inmates in custody of the secretary to perform public conservation projects, including forest fire prevention and control.

This bill would, if a prisoner is under consideration for assignment to a camp to perform fire suppression, including an assignment to perform forest fire prevention and control in a conservation center, require the secretary to contact the local law enforcement agency responsible for the arrest of the prisoner for the offense for which he or she is currently serving his or her sentence and inform the agency that it may provide the secretary additional information regarding the background of the prisoner for consideration by the secretary in determining the prisoner's eligibility for that assignment, including information relating to any other criminal activity and any mental health

issues. The bill would require the secretary to inform the agency that it has 10 business days to respond to the department and object to the placement of the prisoner in the camp or conservation center. If the law enforcement agency files such an objection with the department within 10 business days, the bill would prohibit the placement of the prisoner in the camp or conservation center.

Existing law provides that there is in existence within the Department of Corrections and Rehabilitation the Prison Industry Authority under the direction of the Prison Industry Board. Under existing law, the authority has jurisdiction over the operation of all industrial, agricultural, and service enterprises employing prisoners in institutions under the jurisdiction of the department and has the power to establish new enterprises which it deems appropriate.

Under existing law, products made by enterprises under the authority's jurisdiction are required to be purchased by the state or a state agency, and may be purchased by a local agency or by a state agency to be offered for sale to persons residing in state-operated institutions at prices fixed by the authority.

This bill would provide that, notwithstanding requirements imposed on state agencies to purchase authority products, the Department of Corrections and Rehabilitation shall not be restricted from entering into contracts with private entities or other public agencies for locally produced perishable goods provided at a lower price than the price available from the authority, provided that the contract is to provide these goods to a facility that is located in a county with a population of 50,000 or less.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2781 of the Penal Code is amended to
- 2 read:
- 3 2781. (a) (1) ~~The Director of Corrections~~ Secretary of the
- 4 Department of Corrections and Rehabilitation shall determine
- 5 which prisoners shall be eligible for employment under Section
- 6 2780, ~~shall satisfy the requirements of paragraph (2), if applicable,~~
- 7 and shall establish and modify lists of prisoners eligible for ~~such~~
- 8 that employment. Upon the requisition of an agency mentioned in
- 9 Section 2780, ~~the Director of Corrections~~ secretary may send to

1 the place and at the time designated the number of prisoners
2 requisitioned or such number thereof as have been determined to
3 be eligible for ~~such~~ *that* employment and are available.

4 (2) *If a prisoner is under consideration for assignment to a*
5 *camp to perform fire suppression, including, but not limited to, an*
6 *assignment to perform fire prevention and control in a conservation*
7 *center, as described in Chapter 9 (commencing with Section 6200)*
8 *of Title 7, the secretary shall contact the local law enforcement*
9 *agency responsible for the arrest of the prisoner for the offense*
10 *for which he or she is currently serving his or her sentence and*
11 *inform the agency that it may provide the secretary additional*
12 *information regarding the background of the prisoner, including*
13 *information relating to any other criminal activity and any mental*
14 *health issues, for consideration by the secretary in determining*
15 *the prisoner's eligibility for that assignment, and inform the agency*
16 *that it has 10 business days to respond to the department and*
17 *object to the placement of the prisoner in the camp or conservation*
18 *center. If the law enforcement agency files an objection to the*
19 *placement with the department within 10 business days, the*
20 *prisoner shall not be placed in the camp or conservation center.*

21 ~~The director~~

22 (b) *The secretary may return to prison any prisoner transferred*
23 *to camp pursuant to this section, when the need for ~~such~~ *that**
24 *prisoner's labor has ceased or when the prisoner is guilty of any*
25 *violation of the rules and regulations of the prison or camp.*

26 ~~SECTION 1. Section 2807 of the Penal Code is amended to~~
27 ~~read:~~

28 ~~2807. (a) The authority is hereby authorized and empowered~~
29 ~~to operate industrial, agricultural, and service enterprises which~~
30 ~~will provide products and services needed by the state, or any~~
31 ~~political subdivision thereof, or by the federal government, or any~~
32 ~~department, agency, or corporation thereof, or for any other public~~
33 ~~use. Products may be purchased by state agencies to be offered~~
34 ~~for sale to inmates of the department and to any other person under~~
35 ~~the care of the state who resides in state-operated institutional~~
36 ~~facilities. Fresh meat may be purchased by food service operations~~
37 ~~in state-owned facilities and sold for onsite consumption.~~

38 ~~(b) All things authorized to be produced under subdivision (a)~~
39 ~~shall be purchased by the state, or any agency thereof, and may~~
40 ~~be purchased by any county, city, district, or political subdivision,~~

1 ~~or any agency thereof, or by any state agency to offer for sale to~~
2 ~~persons residing in state-operated institutions, at the prices fixed~~
3 ~~by the authority. State agencies shall make maximum utilization~~
4 ~~of these products, and shall consult with the staff of the authority~~
5 ~~to develop new products and adapt existing products to meet their~~
6 ~~needs.~~

7 ~~(c) Notwithstanding subdivision (b), the requirements imposed~~
8 ~~on state agencies to purchase authority products, make maximum~~
9 ~~utilization of these products, and consult with the staff of the~~
10 ~~authority to develop new products and adapt existing products to~~
11 ~~meet its needs shall not restrict the Department of Corrections and~~
12 ~~Rehabilitation from entering into contracts with private entities or~~
13 ~~other public agencies for locally produced perishable goods~~
14 ~~provided at a lower price than the price available from the~~
15 ~~authority, provided that the contract is to provide these goods to~~
16 ~~a facility that is located in a county with a population of 50,000~~
17 ~~or less.~~